

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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In re:	:	Case No. 09-10371-SMB
	:	
	:	Chapter 7
MARC S. DREIER,	:	
	:	
Debtor.	:	
	:	
-----		x
HEATHFIELD CAPITAL LIMITED,	:	
	:	
Plaintiff,	:	Adversary No. 09-01900 (SMB)
	:	
- against -	:	DECLARATION IN SUPPORT
	:	OF CLERK'S ENTRY OF
MARC S. DREIER,	:	<u>DEFAULT</u>
	:	
Defendant.	:	
	:	
-----		x

ERIC M. KAY declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am an attorney associated with the law firm Quinn Emanuel Urquhart Oliver & Hedges, LLP, attorneys for plaintiff, Heathfield Capital Limited ("Plaintiff"). I am familiar with the facts and circumstances of this adversary proceeding (the "Adversary Proceeding"). I am admitted to practice in this Court.

2. I make this Declaration pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, made applicable here by Rule 7055 of the Federal Rules of Bankruptcy Procedure, and Rule 7055-1 of the Local Rules of the United States Bankruptcy Court for the Southern District of New York, in support of the Plaintiff's Request for Clerk's Entry of Default, which is filed concurrently with this Declaration.

3. This Court has jurisdiction to adjudicate this Adversary Proceeding pursuant to 11 U.S.C. §§ 523(a) and (c) and 28 U.S.C. § 1334(b). This is a core proceeding within the meaning of 28 U.S.C. §§ 157(a) and (b)(2)(I).

4. This Adversary Proceeding was commenced on November 30, 2009 by the filing of a summons and complaint [Adv. Pro. Docket Nos. 1 & 2]. Service of the summons and complaint was effected on defendant, who is incarcerated, at MCC Chicago, Metropolitan Correctional Center, 71 West Van Buren Street, Chicago, Illinois 60605, and/or at FCI Sandstone, Federal Correctional Institution, P.O. Box 1000, Sandstone, Minnesota 55072, on December 9, 2009, by United States First-Class Mail, postage prepaid. Proof of service was filed on December 11, 2009 [Adv. Pro. Docket No. 3].

5. Defendant has not answered or otherwise moved or responded to the complaint, and the time for defendant to do so expired on January 11, 2010, pursuant to Rule 7012(a) of the Federal Rules of Bankruptcy Procedure.

6. Defendant is not a minor, an incompetent person, or in military service.

7. The claim asserted in the complaint is for a “sum certain” or a sum that may be made certain within the meaning of Rule 55(b)(1) of the Federal Rules of Civil Procedure and Rule 7055-2 of the Local Rules of this Court. This is an action to recover moneys owed to the Plaintiff by defendant, who obtained such funds as a result of his false pretenses, false representation and/or actual fraud.

8. This Adversary Proceeding seeks judgment for the liquidated amount of \$101,102,745.55, plus interest, which is justly due and owing and no part of which has been paid.

Dated: February 3, 2010
New York, New York

/s/ Eric M. Kay
Eric M. Kay